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Case 2873

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APPLICANT: Richard Chao
APPLICATION NO.: 09/182,862
FILED: October 21, 1998
TITLE OF INVENTION: Auxiliary Lenses for Eyeglasses
CURRENT STATUS AND LOCATION OF APPLICATION: Technology Group 2800
ATTENTION: Clayton LaBelle

GROUP: 2873
EXAMINER: Huy Mai
DOCKET NO.:

PROTEST UNDER 37 CFR 1.291(a)

We would like to call attention to the following prior art document which, in our opinion, would make the grant of a patent for the above reissue application improper: a Japanese patent registered (issued) on March 3, 1995 and published on May 16, 1995, based on an application filed

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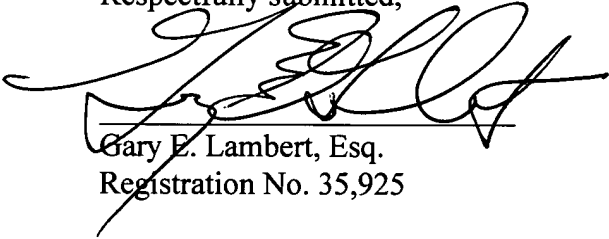
on November 15, 1994 by Boston Club Co. Ltd. (Boston Club). The Japanese Utility Model Registration Number is 3011174 and the Japanese application number is 6-15226.

A copy of both the Japanese patent and an English translation are attached as Exhibits 1 and 2 respectively. In addition, an Information Disclosure Sheet is attached as Exhibit 3.

As an issued patent, the Boston Club patent lies within 35 U.S.C. 102(a) and 103(a) for its public disclosure. While the Boston Club patent is relevant individually, it is especially relevant when examined in combination with the Sunreeve patent, which was included in an Information Disclosure Sheet submitted by the applicant in this Reissue. Specifically, the Boston Club patent teaches top-down eyewear frames coupling while the Sunreeve patent discloses auxiliary to primary frames, coupled by magnets lying parallel to the plane of the lens.

Date: 7/27/01
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Respectfully submitted,



Gary E. Lambert, Esq.
Registration No. 35,925



CERTIFICATE OF MAILING

I hereby certify that this Response is being deposited with the United States Postal Service in an envelope addressed to the Commissioner of Patent and Trademarks, Washington, D.C. 20231, with sufficient first class postage thereon on the date shown below.

Date: 7/27/01

Gary E. Lambert, Esq.
Registration No. 35,925

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PROTEST UNDER 37 CFR 1.291(a)

Per 37 CFR 1.291(a), I hereby certify that a true and correct copy of the PROTEST UNDER 37 CFR 1.291(a) was delivered by first class mail to Michael S. Marcus, the attorney for the applicant.

Dated: 7/27/01

By: Gary E. Lambert

Gary E. Lambert

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